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Report of the Committee on Relations with the Host Country

General Assembly

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Note

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Chapter I

Introduction

1. The Committee on Relations with the Host Country was established pursuant to General Assembly resolution 2819 (XXVI) of 15 December 1971. The General Assembly, by its resolution 63/130 of 11 December 2008, decided to include in the provisional agenda of its sixty-fourth session the item entitled "Report of the Committee on Relations with the Host Country". The present report is submitted pursuant to resolution 63/130.

2. The report consists of four chapters. The recommendations and conclusions of the Committee are contained in chapter IV.

Chapter II

Membership, composition, terms of reference and organization of the work of the Committee

3. The Committee is composed of 19 members, as follows:

Bulgaria	Iraq
Canada	Libyan Arab Jamahiriya
China	Malaysia
Costa Rica	Mali
Côte d'Ivoire	Russian Federation
Cuba	Senegal
Cyprus	Spain
France	United Kingdom of Great Britain and Northern Ireland
Honduras	United States of America
Hungary	

4. The Bureau of the Committee consists of the Chairperson, the three Vice-Chairpersons, the Rapporteur and a representative of the host country who attends Bureau meetings *ex officio*. During the reporting period, the Bureau was composed as follows:

Chairperson:

Minas Hadjimichael (Cyprus)

Vice-Chairpersons:

Branimir S. Zaimov (Bulgaria)

Randy Kondo (Canada) — Keith Morill (Canada)

Guillaume Bailly-Niagri (Côte d'Ivoire)

Rapporteur:

Marcela Calderón (Costa Rica)

5. At its 243rd meeting, the Committee was informed of the departure of Randy Kondo (Canada), who had served as a Vice-Chairman. The Committee welcomed Keith Morill (Canada) to serve as Vice-Chairman.

6. The terms of reference of the Committee were determined by the General Assembly in its resolution 2819 (XXVI). In May 1992, the Committee adopted, and in March 1994 slightly modified, a detailed list of topics for its consideration, which is set out in annex I to the present report. The Committee issued two documents during the reporting period (see annex II).

7. During the reporting period, the Committee held the following meetings: the 241st meeting, on 12 March 2009; the 242nd meeting, on 16 June 2009; the 243rd meeting, on 2 October 2009; and the 244th meeting, on 2 November 2009.

Chapter III

Topics dealt with by the Committee

A. Transportation: use of motor vehicles, parking and related matters

8. At the 241st meeting, the representative of France expressed concerns over the increase in the number of parking fines issued, in particular to the driver of the Permanent Representative, when the driver was double parked with the engine running in front of the Permanent Representative's residence. He noted that, on many occasions, the ticket was not issued to the driver of the vehicle but mailed to the Mission. He emphasized that, while he was aware of the concerns of the host country authorities to ensure that traffic moved smoothly, the way in which fines were issued, as well as the increase in the number of fines issued, was not appropriate, and he thus wished to draw the Committee's attention to this problem. He stressed that the Mission respected parking rules and did pay fines. He hoped, however, that a reasonable solution to the problem could be found.

9. The representative of the Russian Federation agreed with the points made by the representative of France. He commented that his Mission had consistently maintained that the implementation of the Parking Programme for Diplomatic Vehicles (Diplomatic Parking Programme) by the host country authorities was not always in accordance with the established norms applicable to diplomats.

10. The representatives of Bulgaria and Cyprus pointed out that they had also had experiences similar to that of the representative of France.

11. The observer of Mongolia stated that his Mission had had five parking incidents with respect to an official Mission vehicle bearing the appropriate decal parked in the space allocated to the Mission. One of the incidents had been dismissed on 23 February 2009. The observer stated that this issue was problematic for small missions and requested the host country to fulfil its commitments under the applicable legal instruments.

12. The representative of the host country stated that it was committed to implementing the Diplomatic Parking Programme. He noted that the United States Mission received reports from the New York City authorities on the outstanding parking tickets and stated that there had not been a significant increase in the number of tickets issued. He assured the Committee that the host country authorities would look into the concerns raised by the representatives of Bulgaria, Cyprus and France with a view to resolving them in accordance with the Diplomatic Parking Programme and the international obligations of the host country. He added that it was impossible to make available allocated parking spaces at the residences of Permanent Representatives since many Permanent Representatives resided in apartment buildings where parking was limited. He informed the Committee that a meeting would be held with the New York City Commission to go over the concerns raised and see whether they could be resolved in accordance with the Diplomatic Parking Programme and New York City and New York State traffic laws. The New York City Commissioner for the United Nations, Consular Corps and Protocol added that the incidents raised by the representatives of Cyprus and France had not been brought to the attention of the New York City Commission, and requested that all missions bring such issues to the attention of the New York City Commission so that it could work with the Permanent Missions to find a solution.

13. At the 243rd meeting, the representative of Cuba expressed concern over a ticket issued to its vehicle bearing diplomatic plates located in front of the Cuban Mission. She explained that the vehicle was unable to park in the space allotted to the Mission because a New York City police vehicle was parked there. She said the driver was parked with the engine running and vehicle lights on in order to show that he was parking only temporarily in order to pick up a Cuban Mission official. Despite this, a police officer issued a ticket to the driver and did not permit the driver to explain the situation. She requested the host country authorities to take the necessary steps to ensure that this would not happen again and to cancel the fine. She stated that the United States Mission had been informed of the problem and that her Mission had submitted a parking violation response form as recommended by the United States Mission.

14. The representative of Mali expressed concern over the fact that its vehicles had been issued tickets for illegal parking. He stated that his Mission was able to fit three vehicles into the space in front of his Mission. The representative of Mali asked if it was possible to park vehicles properly registered as vehicles of the Mission bearing diplomatic plates but without a decal, so long as the number of vehicles parked in front of the Mission was limited to three.

15. The representative of the host country in response to the representative of Cuba stated that the United States Mission suggested that Cuba wait to see the outcome of its contesting the ticket, as the ticket could very well be dismissed. In response to the representative of Mali, the representative of the host country explained that under the Diplomatic Parking Programme every delegation, large or small, is allocated two parking spaces and that vehicles using those spaces are required to display a delivery or service decal to avoid being ticketed.

16. The representative of the host country added that while there was goodwill towards finding a solution to parking problems, parking in Manhattan was limited. He said that the host country worked with many missions to facilitate solutions to issues and problems encountered. He explained that the comprehensive Diplomatic Parking Programme was negotiated seven years previously, that it was very carefully crafted by the State Department and New York City, and that it was submitted to the United Nations to ensure that it did not contravene host country obligations. He said the focus of the Diplomatic Parking Programme was to ensure that each mission was treated equally. He suggested discussing issues falling under the Diplomatic Parking Programme with the Mali representative after the meeting.

B. Acceleration of immigration and customs procedures

17. At the 241st meeting, the representative of the Libyan Arab Jamahiriya expressed concerns regarding the procedures for security inspections at airports. He asked for the reasons which had led to increased security inspection procedures and what steps could be taken to avoid them in the future.

18. The representative of the host country expressed understanding of the concerns raised by the representative of the Libyan Arab Jamahiriya and explained that the "SSSS" placed on certain boarding passes was generated by computer and entered on boarding passes for various reasons. When a diplomat's boarding pass contained such an entry, the diplomat should raise the matter in accordance with the procedure outlined in the note verbale of the United States Mission on the subject with the

Transportation Security Administration (TSA) screening supervisor on duty at the airport terminal in question.

19. The observer of the Islamic Republic of Iran raised the issue of screening procedures at John F. Kennedy International Airport. He stated that its diplomats were subjected to rigorous inspection procedures at the airport and recalled that he had raised this matter at the 240th meeting of the Committee. He also stated that the host country authorities had responded that measures had been taken to address the issue, in particular, that diplomats accredited to the United Nations would be exempt from double screening procedures. However, when the matter was brought to the attention of a TSA supervisor, he simply apologized and stated that they had to apply those procedures.

20. The representative of the host country responded that when a diplomat had a problem at the airport he should contact the TSA screening supervisor at that terminal. The matter should also be brought to the attention of the United States Mission so that it could contact the relevant authorities at the airport. He stated that diplomats were honoured guests and should be treated accordingly. However, the diplomatic note which outlined the procedures did not exempt diplomats from inspection procedures as such procedures were necessary for the protection of all passengers.

21. The observer of the Islamic Republic of Iran clarified that his Mission simply wished to have the same procedure apply to all missions without discrimination. He stated that he did not expect an exemption from the inspection procedures but, rather, only to be subjected to ordinary inspection procedures.

C. Host country travel regulations

22. At the 243rd meeting, the representative of the Russian Federation thanked the host country authorities for the arrangements for the high-level segment of the General Assembly. He noted, however, that the lack of progress in resolving the problem of travel restrictions imposed by the host country on Russian diplomats as well as United Nations officials who are Russian nationals stood in contrast to the otherwise generally effective cooperation between the Russian and United States Missions. He sought to renew discussions with the host country on this issue with a view to finding an early solution.

D. Other matters

23. At the 241st meeting, the representative of China expressed appreciation to the host country authorities for assistance received with regard to the safety and security of the Permanent Representative's residence. She stated that the Mission continued to have difficulties in relation to the new procedures for non-diplomatic members of the Mission to obtain driver's licences. She stated that the Mission had had bilateral discussions on the matter and expressed hope that an early resolution would be found on this matter. She reiterated that the best way forward would be to revert to the old procedures. The representative of China also raised the issue of fuel tax. She stated that, while New York State laws had been adopted on this matter and were in effect, it was regrettable that they had not been implemented properly. She

expressed hope that the host country would clarify the situation and resolve the matter promptly.

24. The representative of the host country thanked the representative of China for her comments on security. With regard to the issuance of driver's licences, the State Department had decided that non-diplomatic members of Permanent Missions would no longer be eligible for the diplomatic driver's licence. However, the Office of Foreign Missions was assisting all non-diplomatic members to ensure that they would be able to obtain driver's licences. On the fuel tax, diplomatic note 07/09 of 27 January 2009 informed all the missions that the New York State Assembly had taken steps to restore direct exemption via credit card. Unfortunately, there continued to be some difficulty in obtaining the cooperation of the credit card issuers with respect to this facility being restored. There were ongoing discussions between the Office of Foreign Missions and those issuers. He added that affected personnel should continue to save their receipts and any relevant documentation so that, when the procedures were finalized, they would be able to receive their reimbursements. The Office of Foreign Missions can assist persons with questions on this issue.

Chapter IV

Recommendations and conclusions

25. At its 244th meeting, on 2 November 2009, the Committee approved the following recommendations and conclusions:

(a) The Committee reaffirms the Headquarters Agreement and the provisions of the 1961 Vienna Convention on Diplomatic Relations and the 1946 Convention on the Privileges and Immunities of the United Nations;

(b) Considering that the maintenance of appropriate conditions for the delegations and missions accredited to the United Nations is in the interest of the United Nations and all Member States, the Committee appreciates the efforts made by the host country to that end and anticipates that all issues raised at its meetings, including those referred to below, will be duly settled in a spirit of cooperation and in accordance with international law;

(c) The Committee notes that the observance of privileges and immunities is an issue of great importance. The Committee emphasizes the need to solve, through negotiations, problems that might arise in this regard for the normal functioning of the delegations and the missions accredited to the United Nations. The Committee urges the host country to continue to take appropriate action, such as training of police, security, customs and border control officers, with a view to maintaining respect for diplomatic privileges and immunities. If violations occur, the Committee urges the host country to ensure that such cases are properly investigated and remedied, in accordance with applicable law;

(d) Considering that the security of the missions accredited to the United Nations and the safety of their personnel are indispensable for their effective functioning, the Committee appreciates the efforts made by the host country to this end and anticipates that the host country will continue to take all measures necessary to prevent any interference with the functioning of the missions;

(e) The Committee notes the problems experienced by some permanent missions in connection with the implementation of the Parking Programme and shall remain seized of the matter, with a view to continuously ensuring the proper implementation of the Programme in a manner that is fair, non-discriminatory, effective and therefore consistent with international law;

(f) The Committee requests the host country to continue to bring to the attention of New York City officials reports about other problems experienced by permanent missions or their staff in order to improve the conditions for their functioning and to promote compliance with international norms concerning diplomatic privileges and immunities and to continue to consult with the Committee on these important issues;

(g) The Committee recalls that, in accordance with paragraph 7 of General Assembly resolution 2819 (XXVI), the Committee shall consider and advise the host country on issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations;

(h) The Committee anticipates that the host country will enhance its efforts to ensure the issuance, in a timely manner, of entry visas to

representatives of Member States pursuant to article IV, section 11, of the Headquarters Agreement to travel to New York on official United Nations business, including to attend official United Nations meetings, and notes that a number of delegations have requested shortening the time frame applied by the host country for issuance of entry visas to representatives of Member States, since this time frame poses difficulties for the full-fledged participation of Member States in United Nations meetings; the Committee also anticipates that the host country will enhance efforts to facilitate participation, including visa issuance, of representatives of Member States in other United Nations meetings, as appropriate;

(i) Concerning travel regulations issued by the host country with regard to personnel of certain missions and staff members of the Secretariat of certain nationalities, the Committee urges the host country to remove the remaining travel restrictions and, in that regard, notes the positions of the affected Member States as reflected in the report, of the Secretary-General and of the host country;

(j) The Committee stresses the importance of permanent missions, their personnel and Secretariat personnel meeting their financial obligations;

(k) The Committee welcomes the participation of Members of the United Nations that are not members of the Committee in its work. The Committee also welcomes the contribution of the Secretariat in its work and emphasizes its importance. The Committee is convinced that its important work has been strengthened by the cooperation of all concerned;

(l) The Committee wishes to reiterate its appreciation to the representative of the United States Mission in charge of host country affairs, to the Host Country Affairs Section of the United States Mission to the United Nations and the Office of Foreign Missions, as well as to those local entities, in particular the New York City Commission for the United Nations, Consular Corps and Protocol, that participate in its meetings and contribute to its efforts to help accommodate the needs, interests and requirements of the diplomatic community and to promote mutual understanding between the diplomatic community and the people of the City of New York.

Annex I

List of topics for consideration by the Committee

1. Question of the security of missions and the safety of their personnel.
2. Consideration of and recommendations on issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, including:
 - (a) Entry visas issued by the host country;
 - (b) Acceleration of immigration and customs procedures;
 - (c) Exemption from taxes.
3. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed with a view to resolving the issues relating thereto.
4. Housing for diplomatic personnel and for Secretariat staff.
5. Question of privileges and immunities:
 - (a) Comparative study of privileges and immunities;
 - (b) Convention on the Privileges and Immunities of the United Nations and other relevant instruments.
6. Host country activities: activities to assist members of the United Nations community.
7. Transportation: use of motor vehicles, parking and related matters.
8. Insurance, education and health.
9. Public relations of the United Nations community in the host city and the question of encouraging the mass media to publicize the functions and status of permanent missions to the United Nations.
10. Consideration and adoption of the report of the Committee to the General Assembly.

Annex II

List of documents

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| A/AC.154/387 | Letter dated 26 June 2009 from the Permanent Representative of the Bolivarian Republic of Venezuela addressed to the Secretary-General |
| A/AC.154/388 | Letter dated 5 August 2009 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country |

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